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March 3, 2021

Hon. Robert M. Levy
United States District Court
Eastern District of New York
225 Cadman East
Brooklyn, NY 11201

**RE: *Jane Doe v. Oxford Health Ins. Inc.*, No. 1:17-cv-4160-AMD-RML
Request for Briefing Schedule on Discovery Motion**

Your Honor:

Pursuant to E.D.N.Y. Local Rule 7.1(d) and Paragraph 2(E) of Your Honor's Individual Practices and Rules, and following our discussion at the February 16, 2021 status conference, the parties in the above-referenced action write jointly to request a briefing schedule for an anticipated motion relating to certain privilege issues, as well as a short extension of the current schedule to accommodate this briefing.

On December 15, 2020, the Court lifted a stay in this case and entered an amended scheduling order. Since that time, the parties have made significant progress toward completing discovery and have resolved most open disputes. However, the parties at this point anticipate continued disagreement over whether a fiduciary exception applies to certain documents over which Defendant has asserted the attorney-client privilege and work-product protection.

To address these issues, Defendant will be seeking a protective order to protect the subject documents from disclosure in this case. In addition, the parties continue to work through other discovery issues. To the extent, they are unable to resolve such issues, the parties may also bring other ripe, unresolved discovery issues before the Court.

In order to facilitate orderly briefing and full consideration of these issues, the parties have agreed to—and hereby request the Court's approval for—a schedule as follows:

- Plaintiff will identify to Defendant the principal documents that the parties will address in their briefing on the privilege issues: March 8, 2021;

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- Defendant's opening brief on privilege issues, and the parties' joint letters on any other outstanding ripe, unresolved discovery disputes (if needed): March 12, 2021;
- Plaintiff's response brief on privilege issues: March 26, 2021; and
- Defendant's reply brief on privilege issues: April 2, 2021.

To accommodate this proposed briefing schedule, the parties request an extension of all discovery deadlines of an additional fifteen (15) days beyond the 30 days the Court granted following the February 16, 2021 status conference. This extra time is intended to give the Court time to rule on the motion, and if there is a ruling in whole or in part in Plaintiff's favor, for Defendant to produce affected documents prior to depositions. Accordingly, the parties jointly request that the Court set a schedule as follows for further proceedings in this matter:

Class Certification Period	Proposed Deadline
Completion of fact depositions	May 31, 2021
Exchange of opening class certification expert reports, and completion of any further fact discovery arising out of deposition testimony	June 28, 2021
Exchange of rebuttal class certification expert reports	July 26, 2021
Close of class certification expert discovery	August 9, 2021
Plaintiff's motion for class certification due	September 20, 2021
Opposition to motion for class certification due	November 1, 2021
Reply in support of class certification due	November 24, 2021
Hearing on motion for class certification	To be determined based on Court availability

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The parties are also requesting a similar schedule for briefing the fiduciary exception issue (and other potential motions) and discovery extension in this case's parallel action, *Smith v. United Healthcare Co.*, Case No. 4:18-cv-06336-HSG (N.D. Cal.).

We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Michael W. Lieberman

Michael W. Lieberman

cc: Counsel for Plaintiff (via ECF)